



## Animal Products (Dairy Recognised Agency and Recognised Persons Specifications) Notice 2005

Pursuant to section 167(1) (m), (p) and (q) of the Animal Products Act 1999, I, Carol Barnao, Director (Dairy & Plant Products), issue this notice for the purpose of –

- (a) specifying the requirements and procedures for the recognition of agencies and persons under section 102; and
- (b) specifying the competencies or qualifications or experience or other requirements to be met by recognised agencies, or persons or bodies wishing to become recognised agencies, or recognised persons, or persons wishing to become recognised persons; and
- (c) specifying performance standards and other matters in respect of the performance of their functions by recognised agencies and recognised persons.

Signed at Wellington this 1st day of June 2005

Carol Barnao  
Director (Dairy & Plant Products)  
New Zealand Food Safety Authority  
(Acting pursuant to delegated authority)

Certified in order for signature

Solicitor

Legal Services

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### Notice

#### 1 Title

This notice is the Animal Products (Dairy Recognised Agency and Recognised Persons Specifications) Notice 2005.

#### 2 Commencement

This notice comes into force on 1 June 2005.

#### 3 Interpretation

- (1) In this notice, unless the context otherwise requires, —

**accreditation body** refers to IANZ or JAS-ANZ which are independent organisations of international standing that accredit organisations to ISO standards

**Act** means the Animal Products Act 1999

**category 1 laboratory** means a recognised dairy laboratory that tests dairy product for export certification and tests samples to determine whether dairy product is fit for intended purpose or to meet overseas market access requirements

**category 2 laboratory** means a recognised dairy laboratory belonging to an animal product business that tests its dairy product that is intended for sale in the New Zealand domestic market and tests samples (including raw milk) for internal quality control purposes

**in-process laboratory** means a recognised dairy laboratory that tests dairy material, the results of which are used as a basis for reduced testing of finished product to determine whether dairy product is fit for intended purpose or to meet overseas market access requirements

**Independent Verification Programme** means a programme developed by manufacturers which is part of a registered risk management programme and provides for independent sampling and testing of dairy material to confirm the integrity of the New Zealand dairy industry regulatory systems.

**NZFSA** is the New Zealand Food Safety Authority

**recognised dairy laboratory** means a laboratory that is a recognised agency for testing of dairy material or product.

Unless the context otherwise requires, terms used in this notice that are defined in the Act or the Animal Products (Dairy) Regulations 2005 (SR 2005/104) have the meanings so defined.

## **Part 1 Preliminary Provisions**

### **4 Application of this Part and requirement for recognition**

- (1) This Part applies to any person or body applying for recognition under section 102 of the Act for the purpose of performing evaluation and verification of risk management programmes, overseas market access requirements, and specifications, and as a laboratory that tests dairy material and dairy product, in relation to the New Zealand dairy industry.
- (2) This Part applies to any person or body recognised as an agency under section 103 of the Act for performing evaluation and verification of risk management programmes, overseas market access requirements, and specifications, and as a laboratory that tests dairy material and dairy product, in relation to the New Zealand dairy industry.
- (3) A person or body that performs any function or activity specified in clause 4(2) must be a recognised agency under section 103 of the Act.

#### *Applications for recognition*

### **5 General requirements**

- (1) A person or body applying for recognition must be accredited, by an accreditation body, to ISO Standard 17020.
- (2) A laboratory (including a category 1 laboratory, category 2 laboratory, and an in-process laboratory) applying for recognition to provide testing of dairy material, dairy product, or samples must have suitable premises, equipment, procedures, and staff to ensure that all testing is carried out properly and competently, at all times.

### **6 Category 2 laboratories**

A laboratory applying for recognition to perform category 2 laboratory functions and activities must have -

- (a) suitable premises, equipment, procedures, and staff to ensure that all testing is carried out properly and competently, at all times; and
- (b) documented procedures and systems in place to manage the following areas:

- (i) organisation and management:
- (ii) quality system, audit and review:
- (iii) personnel:
- (iv) accommodation and environment:
- (v) equipment and reference material:
- (vi) measurement, traceability and calibration:
- (vii) calibration methods and test methods:
- (viii) handling of test items:
- (ix) records:
- (x) certificates and reports.

#### *Recognised Agency requirements*

### **7 General requirements**

- (1) Every recognised agency must operate in accordance with any conditions specified by the Director-General under section 105 of the Act.
- (2) A recognised agency, other than a laboratory, must have documented procedures and systems in place to manage the following areas, to give NZFSA confidence that the New Zealand dairy industry regulatory system is providing the food safety and truth of labelling outcomes required by legislation:
  - (a) documenting the applicable contractual conditions with its clients:
  - (b) client confidentiality:
  - (c) workload:
  - (d) any potential conflicts of interest:
  - (e) recognised persons providing assessment services on its behalf:
  - (f) relevant documents:
  - (g) internal non-compliance.
  - (h) management review of its quality system at appropriate times:
  - (i) participation in industry standardisation sessions:
  - (j) recommending assessment frequency to NZFSA:
  - (k) resolution of client non-compliance and critical non-compliance, including (if relevant) follow-up of corrective actions with persons accountable for Risk Management Programmes:
  - (l) notifying NZFSA Compliance and Investigation Group of critical non-compliance:
  - (m) immediate advice to NZFSA Compliance and Investigation Group of critical situations:
  - (n) reporting information, as required, concerning clients operating under Risk Management Programmes, to NZFSA Compliance and Investigation Group:
  - (o) verifying that manufacturing clients are complying with the Independent Verification Programme:
  - (p) reporting information, as required, concerning their own operations, to NZFSA Compliance and Investigation Group.
- (3) In any situation involving disposal of non-conforming dairy material, written confirmation must be obtained from the Director-General to confirm disposition of non-conforming dairy material.
- (4) In any situation involving disposal of non-conforming dairy material, written confirmation must be obtained from the Director-General to confirm the method of disposition of non-conforming dairy material.

### **8 Laboratory requirements**

- (1) A recognised dairy laboratory must ensure that the certificate of recognition issued by the NZFSA is prominently displayed in the laboratory at all times.
- (2) A recognised dairy laboratory must keep appropriate records to demonstrate that testing is carried out properly and competently.

- (3) A recognised dairy laboratory must ensure that no significant changes are made to the premises, equipment or facilities unless –
  - (a) the change has been approved by the Director-General, following a written application; and
  - (b) the change is carried out in a manner that, in the opinion of the Director-General, ensures that tests continue to be carried out properly and competently during and subsequent to the change; and
  - (c) work on the change is started within 12 months of the Director-General's approval.
- (4) A recognised dairy laboratory must advise the NZFSA, in writing, if –
  - (a) it ceases operating as a laboratory; or
  - (b) the ownership or right of possession of all or part of the laboratory changes.
- (5) Every person who acquires any interest in the ownership or possession of a recognised dairy laboratory must advise the NZFSA, in writing, without delay.

## **9 Approval of test methods**

- (1) The prior approval of the Director-General must be obtained for any test method used for verifying conformance of dairy material or product –
  - (a) to any requirements of the Act, or regulations or specifications made under the Act; or
  - (b) with attestations provided by the Director-General in official assurances.
- (2) The Director-General may approve test methods from the following sources provided they are used within their scope and are unmodified:
  - (a) international standards:
  - (b) methods published in reputable international texts:
  - (c) national or regional standards or legislation:
  - (d) any other sources that the Director-General considers acceptable.

## **10 Category 2 Laboratory requirements**

A category 2 laboratory must have documented procedures and systems in place to manage the following areas:

- (a) organisation and management:
- (b) quality systems, audit and review:
- (c) personnel:
- (d) accommodation and environment:
- (e) equipment and reference material:
- (f) measurement, traceability and calibration:
- (g) calibration methods and test methods:
- (h) handling of test items:
- (i) records:
- (j) certificates and reports.

## **Part 2 Recognised Persons**

### **11 Application of this Part**

This Part applies to individual persons applying for recognition, or who are recognised under section 103 of the Act for the purpose of performing evaluation, verification, or other specialist functions and activities.

### **12 Applications for recognition**

- (1) A person applying to the Director-General for recognition must have been assessed and recommended for recognition by the accreditation body of the recognised agency by which the person is employed.

- (2) A person applying to the Director-General for recognition must —
  - (a) be competent in the skills of assessment; and
  - (b) have relevant knowledge of, and experience in, the specific aspect of the dairy industry in which they provide assessment services, and
  - (c) demonstrate an understanding of relevant dairy industry legislation and NZFSA Specifications; and
  - (d) be granted signatory status as part of a recognised agency; and
  - (e) demonstrate an understanding of, and the ability to effectively apply, the quality system and procedures of the recognised agency for which the person has signatory status.

### **13 Recognised Person requirements**

- (1) In order to maintain recognition, recognised persons must —
  - (a) demonstrate continued competency in all areas specified in clause 12(2); and
  - (b) be assessed by an accreditation body and the NZFSA, for compliance with the criteria stated, and at the frequency provided, in Part 3 of this Notice and the NZFSA “Checklist for Technical Competency of TPA Individuals”; and
  - (c) have annual internal management reviews and peer reviews.
- (2) The assessment in clause 13(1)(b) must include an assessment of the consistency of the work of all recognised persons working within and across agencies.

## **Part 3 Performance Based Verification**

### **14 Performance based verification of recognised agencies and persons**

- (1) The performance of a recognised agency and recognised person providing assessment and monitoring services to the New Zealand dairy industry, must be assessed by their accreditation body and NZFSA at the frequency specified by NZFSA.
- (2) For a recognised agency, the following performance standards must be assessed:
  - (a) history of compliance with ISO Standard 17020 and NZFSA requirements or conditions imposed on recognition:
  - (b) history of effective management of client non-compliance:
  - (c) history of effective management of own non-compliance:
  - (d) history of effective management of recognised persons:
  - (e) history of complete, accurate and timely reporting to the accreditation body and NZFSA.
- (3) For recognised persons, the following performance standards must be assessed:
  - (a) performance in accordance with the requirements of this Notice and the associated NZFSA “Checklist for Technical Competence of TPA Individuals”:
  - (b) number of evaluations and verifications carried out as recognised person.

### **15 Laboratory performance based verification**

- (1) The performance of a recognised dairy laboratory must be assessed by its accreditation body at the frequency specified by the NZFSA.
- (2) In addition to the matters specified in clause 14(2), the following performance standards must be assessed:
  - (a) for category 1 laboratories, the history of compliance with this Notice, ISO Standard 17025 and with conditions imposed on recognition:
  - (b) for category 2 laboratories, the history of compliance with this Notice and with conditions imposed on recognition:
  - (c) performance, as indicated by the regular and exception reports sent to NZFSA Compliance and Investigation Group:

- (d) management and resolution of non-compliance identified in the regular and exception reports.

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Issued under section 167(1) (m), (p) and (q) of the Animal Products Act 1999

Date of notification in *Gazette*:

This notice is administered in the Ministry of Agriculture and Forestry in the New Zealand Food Safety Authority.

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